

Approved 4/1/09

**TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
March 4, 2009**

Board Present: Chairman Dan Remian, David Cobey, Bob Ellis, Evelyn Kalloch, Frank Muddle, CEO Scott Bickford

Absent: None

1.Call to Order: Chairman Remian called the meeting to order at 6:30 P.M. and a roll call was taken

2. Approve the Minutes of 1/13/09 and 2/4/09:

ACTION: Mr. Muddle made a motion, seconded by Mrs. Kalloch, to approve the minutes of the 1/13/09 meeting
Carried 5-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, to approve the minutes of the 2/4/09 meeting
Carried 5-0-0

3. Correspondence: None

Old Business:

4. Application to Increase the Roof Pitch on an Existing Cottage in Gaunt Neck Subdivision, Map 6, Lot 9-15: Attorney Paul Gibbons introduced himself as representing the property owners. He said the meaning of building permits was at issue here. A building permit had been issued to Mr. Tower, the previous owner, and Mr. Gibbons said he believed that permit allowed the new owners to fix the roof. He said revoking a building permit was a very serious thing and the question was when it could be done. He also said property owner who had done everything right should be able to rely on a building permit. Without stability in the process, Mr. Gibbons said, there would be no lenders.

Mr. Gibbons stated that a town wishing to revoke a permit must do so before substantial construction was completed. He said a permit could be revoked only against the person who filed the application for it. The attorney stated that a town had the responsibility, when issuing a permit, to be sure the information on the application was correct and that the work done matched that permitted. In this instance, a permit had been issued in 2005 for an application that included a map containing computations that were accepted by the Board. Permission had been granted to expand the footprint of the building to 582 Sq. Ft. Mr. Gibbons said he could find nothing in the permit concerning volume of the structure and pointed out that volume and footprint went hand in hand. Therefore, expansion of a footprint was always accompanied by an expansion of volume. Mr. Gibbons said the law allowed a 30% expansion in both footprint and volume.

Mr. Gibbons said he and his clients had no idea if the expansion figures were correct, but they did know a building permit had been issued and the appeals period on that permit had expired. Therefore, Mr. Gibbons expressed his opinion that the permit could not be revoked. He and his clients had measured the current footprint and said it was 510 Sq. Ft., less than the 582 Sq. Ft. expansion permitted. He interpreted this to mean that there was an additional expansion of 72 Sq. Ft. remaining on the unexpired permit. He explained that a Cushing permit required that substantial construction take place within two years and that had happened in this case. Mr. Gibbons stated that the balance of the permitted expansion would equal 1,039 Cu. Ft., while his clients were asking for only 969 Cu. Ft. for the roof expansion.

Mr. Remian thanked Mr. Gibbons and said there had been discussion on this application at the last two PB meetings and he felt the Board should move ahead with review.

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that Section 15 (A) did not apply to this application.

Carried 5-0-0

ACTION: Mr. Ellis made a motion, seconded by Mr. Muddle, that none of the standards applied to the existing building.
Carried 5-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, to approve the application.
Carried 5-0-0

New Business:

5. Application to Construct a New Single-Family Residence with a 1-Story Garage, New Driveway and Septic System in Gaunt Neck Subdivision, Map 6, Lot 9-12, Presented by Rick Klepfer: Mr. Klepfer said the Board had a complete application packet and asked if the members had any questions. Mr. Klepfer confirmed for the chairman that the well circle shown on the plan was the original one. Mr. Cobey asked if clearing would be required to meet the 75' setback and Mr. Klepfer replied that clearing had been done previously.

The chairman began the review.

ACTION: Mr. Remian made a motion, seconded by Mr. Cobey, that the application met the lot standards of Section 15 (A).
Carried 5-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Ellis, that the application met the requirements of Section 15 (B).
Carried 5-0-0

ACTION: Mr. Ellis made a motion, seconded by Mr. Cobey, that Section 15 (C, D & E) did not apply.
Carried 5-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Remian, that the application satisfied Section 15 (F & G).
Carried 5-0-0

ACTION: Mr. Ellis made a motion, seconded by Mr. Cobey, that Section 15 (H) did not apply.
Carried 5-0-0

ACTION: Mr. Ellis made a motion, seconded by Mr. Remian, that the application complied with Section 15 (I).
Carried 5-0-0

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that the application complied with Section 15 (J).
Carried 5-0-0

ACTION: Mr. Remian made a motion, seconded by Mr. Cobey, that Section 15 (K, L, M, & N) did not apply.
Carried 5-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Remian, that Section 15 (O) was satisfied by the application.
Carried 5-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Remian, that the application satisfied Section 15 (P).
Carried 5-0-0

ACTION: Mr. Ellis made a motion, seconded by Mr. Muddle, that Section 15 (Q) did not apply.
Carried 4-0-1 (Mr. Cobey abstained)

ACTION: Mr. Cobey made a motion, seconded by Mrs. Kalloch, that Section 15 (R, S & T) did not apply to the application.
Carried 5-0-0

ACTION: Mr. Cobey made a motion, seconded by Mr. Remian, that the application satisfied the requirements of

Section 16 (E) (3) (a thru i).
Carried 5-0-0

ACTION: Mr. Ellis made a motion, seconded by Mrs. Kalloch, to approve the permit for Map 6, Lot 9-12.
Carried 5-0-0

6. Adjournment:

ACTION: Mr. Cobey made a motion to adjourn at 7:05 P.M.
Carried 5-0-0

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Respectfully submitted,

Deborah E. Sealey
Recording Secretary